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R and A No. 1164

THE FRENCH GENERAL COUNCILS AND THE OCCUPATION ADMINISTRATION OF FRANCE

Description

The difficulties of implementing General Giraud's proposal that during the liberation period France be governed through the departmental General Councils in accordance with the Treveneuc law.

4 November 1943

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CORRECTION

The opinion expressed in this report to the effect that comparatively few of the members of the general councils have been compromised by participation in the substitute bodies appointed by Laval is seriously brought into question by the following recent information:

In Pas-de-Calais, out of 33 departmental councillors, 16 are former Conseillers-Généraux; they include 2 Socialists, 2 Radical Socialists, 2 Independent Radicals, 7 Republicans of the Left, and 3 Conservatives of various tendencies.

In the Somme, of 31 departmental councillors 16 are former Conseillers-Généraux, including 7 Radical Socialists, 4 Independent Socialists and Radicals, and 5 Republicans of the Left.

18 November 1943

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SUMMARY AND CONCLUSIONS

1. The General Councils of the French Departments constitute technical and administrative bodies -- respected under the Third Republic and suspended by the Vichy Government -- capable of again sharing the burden of local government as the progressive liberation of France takes place. Only a small proportion of their members have been politically compromised by participation in the appointed bodies which Laval established as substitutes for the General Councils.

2. The Treveneuc law of 1872 provides that, while the regular constituent or legislative assemblies of France are prevented from meeting, the General Councils shall meet and sent two delegates each to a substitute assembly which shall govern France until the regular organs of government can be reconstituted.

3. General Giraud repeatedly proposed the invocation of the Treveneuc lawupon the liberation of France in his negotiations with de Gaulle. The latter is known to have opposed this method of establishing a provisional French government. No statement of its acceptance or rejection by the French Committee of National Liberation has been made public.

4. In spite of its advantages as a strictly constitutional procedure, implementation of the Treveneuc law is open to two kinds of objection:

a. technical: The Treveneuc law was designed to circumvent a coup d'état rather than an invasion. Its use under present circumstances may be impracticable because a national assembly of General Council delegates cannot function until half the French departments are represented, yet must cease to govern when a majority of the deputies and senators can meet. Its use may be impossible, since any announcement of intention to invoke the Treveneuc law would invite the elimination of former councilors by Vichy and the Germans;

b. political: This method is opposed by General de Gaulle. It excludes the movements of resistance as such from key functions during the all-important liberation period. Because of the federal nature of an assembly of General Council delegates, it would give representation to the rural areas of France out of proportion to their percentage of the total population, with consequent risk in the international sphere of an autarchic economic policy. As a result of the 1934 and 1937 elections, reconstruction of the 1940 General Councils would probably -- depending in part on which departments were first liberated -- lead to the election of a substitute national assembly giving strength both to the Right and to the Radical Socialist part, disproportionate to their following in the country, while slighting the Socialists and Communists, who have been most active in resistance.

I. INTRODUCTION

Neither the promise of a National Consultative Assembly nor the liberation of Corsica, although the latter has been widely hailed as setting a precedent for the liberation of metropolitan France, can be said to have determined the organs by which French local and national government are to be carried on during the transitional period before the selection of a new National Assembly by the French people. One proposal for these circumstances envisages the employment of the old French departmental assemblies, the General Councils or Conseils Généraux, both to serve as agencies of local government and to provide, through the Treveneuc law, a legal means for the formation of an assembly to take charge of national affairs.

While this procedure was neither accepted nor rejected in the formal announcements which accompanied the formation of the French Committee of National Liberation at Algiers, it was specifically and repeatedly brought forward by General Giraud in the preceding negotiations with General de Gaulle. In his memorandum of 1 April 1943 General Giraud proposed:

"In each French department, the General Council reconstituted in conformity with the legislation in force on 22 June 1940, will assist the executive committee[1] and the provisional departmental authorities. It will constitute the main assembly. In the case of those General Councilors who have been compromised through their relation with the enemy, necessary steps will, of course, be taken to exclude them in the interest of national unity."

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1. To have been appointed by the then French Council of Overseas Territories.

According to the memorandum, when "all the departments of metropolitan France are liberated," the Councils will immediately have paramount duties. At that time an assembly chosen by the General Councils, as provided by the Treveneuc law of 15 February 1872,[2] will take over all administrative functions required for the maintenance of order. The Giraud memorandum continued:

"The first act of this assembly will be to provide for a provisional government. The provisional government will then exercise its powers and will be the lawful political authority in France until the election of the National Assembly. It will represent France in the Allied Councils. From the time of its constitution, it will have authority over the Commander-in-Chief and the /former/ Council /of Overseas Territories/ will deliver its powers to it.

"The assembly of the delegates of the General Councils will also arrange general elections, setting the date thereof, and will specify that the National Assembly to be elected will have the task of establishing the new Constitution of France . . . ."

By this plan, therefore, the General Councils would be the basis of the first fully recognizable provisional French Government. They would organize the first general elections following the liberation of France. Their authority could not be ignored, either by France or by the United Nations.

2. Described in detail in Part III of this report.

In his 27 April letter to General de Gaulle, concerning specific proposals of unity, General Giraud stressed once more the importance of these elected bodies. Answering the Fighting French who had criticized the role of French military authorities in the future setup, he said:

"The departmental administration is not nominated by the military authority. In every case the central power will appoint the Prefects. The General Councils, being elected bodies, will be composed of the members functioning on 22 June 1940, minus those who may be subsequently eliminated according to the normal procedure.

"Application of the Treveneuc law: the procedure of this law to be followed as indicated in my memorandum of 1 April."

II. THE MAIN DUTIES OF THE TRADITIONAL GENERAL COUNCILS

The General Councils in France were the "deliberating authorities" of the departments (laws of 29 Pluviose, an VII, of 10 August 1871, and of 5 November 1925). France included 90 departments, and every department was made up of several cantons, ranging in number from twenty in the department of Ariège to sixty-nine in Nord. Every canton in each department elected one General Councilor according to the rules of universal suffrage. Every department, therefore, had as many councilors as it included cantons. Corsica, for example, had sixty-four councilors, Puy-de-Dôme 54, Manche 48, Cantal 23, Loir-et-Cher 24, and so on. The department of Seine, with Paris and suburbs, formed an extraordinary area which elected 140 Councilors. The number of Councilors for each department had nothing to do with the population figures. Manche, with about 440,000 inhabitants, had thirteen more Councilors than Rhône, with 1,100,000 people.

The General Councils normally held two meetings yearly, in April and August. Their functions were only administrative, and not legislative (Art. 50 of the 10 August 1871 law); but they could express "wishes" on national economic and administrative matters. Since the Government in the years before the war was more and more concerned with economic problems, these expressions of policy tended to be for or against those of the actual Government. Typical pronouncements of the General Councilors related to the prices of agricultural

commodities such as wheat or wine, to the stabilization of French currency, or to the return of legal order where sit-down strikes had taken place. From time to time they even indulged in partisan politics, supporting policies of "national unity" or attacking Popular Front activities. On the whole, they were moderate and mildly conservative.

Specifically, the General Councils were chiefly entrusted with all matters concerning departmental interests, particularly public properties, finances, and employees. Their main concern was the discussion and approval of the departmental budget prepared by the Prefect, and the supervision of the budget's operations. Being responsible for the department's receipts, the Councils had to discuss and approve the departmental taxes (the so called centimes additionnels, ordinaires et extraordinaries), which were the departmental contribution toward payment for such public works as were jointly financed by the department, the commune, and the State. The Councils also passed on the departmental loans.

They discussed, too, all matters concerning departmental public roads and highways, the erection of new buildings or the repair of existing buildings of public interest, such as departmental hospitals, normal schools, prisons, railroads, and offices of social welfare. They selected the personnel charged with the execution of these works. They also discussed all matters referring to the acquisition, exchange, or sale of departmental properties.

Between the semi-annual sessions, a permanent body of the Council, the Departmental Commission, supervised the Prefect's non-political activities.

The Councils, however, were not completely free. Certain of their decisions were submitted to some kind of approval, either by the national government or by the Prefect, before being enforced.

Yet in the technical and administrative field they undoubtedly enjoyed a high prestige and were reputed for their moderation and integrity. They were the backbone of the old, traditional French peasantry, with many social features in common with the Senators.

III. THE TREVENEUC LAW

To these essentially administrative and technical bodies extraordinary powers were granted, under special circumstances, by the Treveneuc law, which was voted on 15 February 1872 by the French National Assembly meeting at Versailles after the defeat of 1870. According to article 1 of this law, if "the national legislative assembly or those which will follow have been illegally dissolved or postponed, the general councils will meet immediately without further notice, at the principal city of the department, or elsewhere if their liberty is not fully safeguarded at the principal city." The Councils will provide for the maintenance of order in the country and prepare either the liberation of the legal assembly momentarily dissolved or impeached or the election of a new legislative assembly.

To realize fully the meaning and bearing of the Treveneuc law, it is necessary to understand the circumstances behind its enactment. A large section of the National Assembly, which was to prepare the Constitution of 1875 under which France lived for sixty-five years, was royalist and favored the restoration of the French monarchy under the Count of Chambord, grandson of Charles X. It is a well-known fact that the republican form of government was decided upon for France by mere chance and by a one vote majority, after the failure of the negotiations which royalist deputies had conducted with the Count of Chambord.

Most of these Royalist and Catholic deputies had fairly liberal leanings; the British form of monarchy, which the Bourbons had

tried to set up in France in the 1815-1820 era, was their ideal. Along with the Republicans, many of them had been victims of the Bonapartist coup d'état of December 1851; they hated the second Empire of Napoleon III, with its brilliant, corrupt, and weak dictatorship which had destroyed public liberties and finally led France to defeat and chaos. On the other side, the same Assembly, which held its meetings at Versailles, had followed with bewilderment the bloody convulsions of the Paris Commune; while it hated the coups d'etat, it probably hated still more popular riots. The coup d'état of 2 December 1851 had destroyed the legal Assembly; the Commune had established in Paris a de facto proletarian government, a child of revolution and military defeat. This regime had no contact with the outside world and had frightened the country, which put no confidence in it.

This double fear, fear of dangers from above and from below, was the basis of the Treveneuc law. The Viscount of Treveneuc, deputy of Côtes-du-Nord in Brittany, typified the Royalist majority. Calm and courteous, he displayed that serious and honest liberalism which to some extent characterized the National Assembly. M. de Treveneuc had been deeply shocked by the coup of December 1851; he had tried to organize local resistance against Louis Bonaparte, and to do that he had summoned the General Council of Côtes-du-Nord and adjured it solemnly to protest against the new dictator; some other

deputies like M. de Pompéry, in Finistère, had done the same.[3] This courageous but ineffectual gesture had been a great event in the political career of these obscure provincial politicians, and they had not forgotten it. It seemed wise now to entrust all General Councils with the noble task of safeguarding the legitimate power and public liberties, just as they had tried to do in Brittany twenty years before.

M. de Treveneuc spoke in behalf of his proposal on 5 February 1872.[4] "What I want," he said, "what your Committee wants, what all of us here want, is to safeguard France against political adventurers, of whatever origin, should they come from city slums or from presidential palaces, to strangle France and impose their shameful yoke.

"France has always been a victim of violent factions and excessive opinions; irresistibly France has always swung from one extreme to the other . . . . During great wars, in far distant enterprises, the commander-in-chief has always an assistant, ready to replace him, should be he killed or captures. . . . In voting our proposal, in organizing this supplementary assembly for days which, let us hope, will never come, in providing for its election according to the best, the soundest, the most constitutional standards, you will have given to our fellow citizens those guarantees of stability and safety which are now lacking and which everybody expects."

By this proposal, which became organic law ten days later, the General Councils were to provide for the maintenance of public safety and legal order if the regular assemblies were dissolved by

3. See Annales de l'Assemblée Nationale, 5 fevrier 1872, p. 423.
4. Ibid., p. 423 ff.

violence and their members held prisoners in Paris. In evern department, the General Council was to select two delegates (art. 3), all such delegates constituting the plenary assembly "which meets in the place where members of the legal government who have escaped violence will go." To be legally constituted, this assembly of delegates had to represent at least one-half of the French departments. Its decisions were to be made by majority vote.

This assembly had to take care, at least momentarily, of the public administration (art. 4). All public officials were expected to obey its orders (art. 6). Its main duty was to strive toward the liberation of the legal legislative assembly and to help the latter to recover its full independence. It was to be dissolved as soon as a majority of the legal assembly's members were able to hold a meeting at any place within the national territory, or as soon as a new national assembly had been elected according to the rules laid down by the General Councilors (arts. 4 and 5).

The Treveneuc law was passed by a vote of 482 to 75. The minority included left-wing politicians, republicans like Louis Blanc, Goblet, Naquet, Tolain, Henri-Brisson. Their attacks remained fairly moderate and their spokesman, Henri-Brisson, who later became one of the leaders of the republican majority, merely stressed the futility of the proposal.[5] The good intentions of the Viscount of Treveneuc were evident, he said, but such laws would not prevent"... collective upheavals which are the result of popular efforts or of universal uneasiness."[6] By this, Henri-Brisson and his friends meant that if a

5. See Annales de l'Assemblée Nationale, 6 fevrier 1872, p. 421.
6. Speech by Ch. Boysset. Ibid.

large majority of the country wanted to establish a republic, the General Councils would have to yield. The opponents of the Treveneuc law advocated the dissolution of the National Assembly and the immediate adoption of a republican form of government as the best means of safeguarding the legal order and of appeasing disturbed minds.

However, some serious objections were discussed, and, as two of them could be realized in the near future it is important to review them.

a. The first objection referred to the status of former members of the parliament. As long as the General Councils were about to rule the country, should the national representatives enjoy certain rights or not? Should they cooperate with the Councils or not? The reporter of the Treveneuc law, Henri Fournier, bluntly asserted that former representatives should be deprived of their preorgatives. The General Councils would govern alone if they had to.[7] To understand Fournier and his friends, it is necessary, once more, to realize what their political backgrounds and experiences had been.

The only representatives (deputies, senators) who could act alongside the General Councilors would be those still at liberty. But looking back to the situation in 1851, the "free Assemblymen" were precisely the individuals who had been the intimate friends of Napoleon III, his fellow conspirators, and later on the members of his advisory bodies; all other assemblymen had been dispersed,

7. See Annales de l'Assemblee Nationale, 6 fevrier, p. 425 ff.

arrested, exiled or slain. If the deputies who would still be free and loyal in a future crisis were but a minority, they would accept the rule of the General Councils' assembly; if these deputies constituted a real majority, then, according to the Treveneuc law itself, the former parliament would remain sovereign, and it would be useless to resort to the General Councils.

To avoid bitter misunderstandings in the future, it should be stressed once more that the Treveneuc law neither justifies nor provides for any exclusion of former deputies or senators if they constitute the majority of the legislative assemblies. In the liberated France of tomorrow, the situation will be quite different from which inspired the Treveneuc law. Assuming that a majority of deputies and senators could meet tomorrow, either in North Africa or in any free part of France, according to the spirit of the Treveneuc law itself that majority would legally represent France.

b. The other important question raised concerned the appointment of two members to the plenary assembly by each General Council. What would happen if the Councils of a certain region decided to meet in a certain place with sovereign powers for that region; and what, if, in another region, General Councils elected another assembly with sovereign but distinct powers for that second area?

The ghost of federalism appeared thus for a short while at Versailles. Leonce de Guiraud, one of the supporters of the Treveneuc law, said that if several assemblies met instead of only

one, for all of France, these several assemblies should be held illegal. But no real definition of legality was ever given.

In 1872 France was still a rural country. The workers, crushed in June 1848 and appeased by twenty years of demagogic dictatorship, had not yet come to full political maturity, in the belief of many at Versailles. The Commune of Paris was a frightful occurrence which it was better to forget. The assembly of General Councilors that M. de Treveneuc anticipated was to be a rural assembly, just like the future Senate, made up of French peasants who were calm and solid, with the traditional qualities of France. None of the Versailles representatives ever noticed that to this new and powerful assembly a department like Lozère, with less than one hundred thousand people, would appoint as many delegates as the departments of Seine or Nord, with several million inhabitants. This difficulty should not be overlooked today, however, in evaluating the usefulness of the Treveneuc law.

IV. THE GENERAL COUNCILS OF JUNE 1940

At the time of France's defeat in 1940, the three most important elected assemblies were:

a. the Senate and the Chamber of Deputies, expression of the French national sovereignty, representing national interests;

b. the General Councils, representing departmental interests;

c. the Municipal Councils, representing communal interests.

The last Chamber of Deputies had been elected in May 1936 and its left-wing majority represented the so-called Popular Front. The Popular Front, however, did not in fact exist after March 1938. Premier Edouard Daladier governed with the support of Radical-Socialist, center and right wing deputies.

The Senate was composed of members elected in 1932, 1935 and 1938 for nine years, one-third being submitted for re-election every three years.

The General Councils, except for the Seine department, were elected for six years, one-half of each Council coming up for election every three years. Half of their members had been elected in October 1934 and the other half in October 1937. The Seine department, including Paris and suburbs (the "red belt"), had a special statute. The General Council of the Seine was composed of the 90 Municipal Councilors of Paris and 50 General Councilors elected by the suburbs, a total of 140 representatives.

All the 50 Councilors had been elected for six years in May 1935. Finally, all French Municipal Councilors had been elected in May 1935, including those for Paris.

The situation may be summarized in the following table:

Elected Assemblies	Membership	Most Recent General Elections
Senate	314	one-third in 1932 " " " 1935 " " " 1938
Chamber of Deputies	618	May 1936
General Councils,	3,043)	one-half - October 1934
Seine included	3,183)	" " " 1937
Seine	140)	May 1935
Municipal Councils	From 10 to 36 in each of the 38,014 French communes according to the population. Larger bodies in Paris and Lyons.	May 1935

The total number of General Councilors elected in 1934, 1935 (Paris and suburbs), and 1937 amounted to 3,183; 1,518 had been elected in 1934, 140 in 1935, and 1,525 in 1937.

Of course, some Councilors may have died or resigned since their election. Before the war broke out, vacant seats were quickly filled by new elections. An examination of the 1934-1937 elections can, however, give a reasonably accurate analysis of the present political complexion of the Councilors.

When the elections of October 1934 took place, the late Gaston Doumergue was Prime Minister with a Government of National

Union including Radical-Socialists like Edouard Herriot, and ministers from the center and the right. Unified Socialists and Communists were in the minority --- this was about eight months after the bloody riots of 6 February 1934, and the country wanted peace and order. A large majority of the elected General Councilors were at least moderate conservatives.

In May 1935, the "Common Front," a forerunner of the Popular Front, had already been organized in the most important urban centers; for the suburbs of Paris this resulted in an unprecedented triumph for the Communists. In Paris and suburbs, they took 43 seats, or 30 per cent of the total.

In October 1937, the Popular Front was already on its way out; these last elections obviously increased the extreme left tendencies among the General Councils, but not so much as if they had taken place in 1936. Newspapers like Le Temps exulted, and celebrated "the Communist collapse."

To analyze the political structure of the 90 French General Councils it is necessary to classify the different political nuances in three large groups:

a. left-wing, including the Radical-Socialists, the non-Unified Socialists, the Unified Socialists and the Communists;

b. center, including the Démocrates Populaires or Christian Democrats, Independent Radicals, Republicans of the Left, Independent Republicans;

c. right-wing, including the Republican Federation, the Conservatives, and miscellaneous groups, like Parti Populaire

Français (followers of Jacques Doriot), Parti Social Français (followers of Colonel de la Rocque), Agrarians, and the like.

In Alsace autonomist tendencies cut across the normal political divisions, and thus the Alsatian Councilors are listed below separately. The national strength of each of these four groups was as follows:

Left-wing	1,630 Councilors
Center	672 Councilors
Right-wing	642 Councilors
Alsatians	32 Councilors

The left-wing had, accordingly, an absolute majority of about 110 Councilors; it might be assumed, therefore, that a very large plenary assembly, including more than three thousand Councilors, would, if it convened, be likely to reproduce the political feelings and emotions of the June 1936 Popular Front period. But this would not be true. First of all, the left-wing majority in the June 1936 French Chamber of Deputies was far larger proportionally. Its membership was as follows:

Communists		72
Dissidents		10
Socialists		146
		37
Radical-Socialists		116
	Total	381

This total stood against 138 center deputies and 99 from the right. The left majority in the Chamber was thus much more conspicuous than among the General Councilors.

Secondly, there were 82 Communist and Dissidents in the left wing majority of the Chamber, roughly 13 per cent of the whole, while the Unified Socialists, led by Léon Blum, were the dominant element. But the left-wing majority of the General Councils, on the other hand, was divided as follows:

Communists	117
Unified Socialists	360
Dissidents	155
Radical-Socialists	998

The Communists comprised no more than 4 per cent of the whole number of General Councilors; the leading party was not the Unified Socialists but, rather, the moderate Radical-Socialists. In addition, many Radical-Socialists elected in 1934 had not joined (or had joined very reluctantly) the Popular Front in 1935-1936, and Radical Socialists or Dissident Socialists who had joined the Popular Front in 1936 had left it by the end of 1937.

Thus the left-wing majority, in the General Councils, had but a small advantage over the combined forces of the center and the right; the Communist influence was almost negligible; the Radical-Socialists were by far the leading party, with about one thousand members, or 31 per cent of the whole.

It must be admitted that the elections of 1937 did not reflect at all the general political feelings of the French people. The technicalities of elections for the General Councils do not take account of the population figures. According to official

statistics,[8] the Communist tickets had obtained roughly 1,100,000 or 14 per cent of the total votes in the 1937 elections. Since about 1,500 Councilors had to be elected, this would have normally led to more than 200 Communist Councilors. In fact, only 41 of these were elected. The same discrepancy is true for the Unified Socialists, but the electoral system definitely worked in favor of the moderate Radical Socialist party.

The appendix to this report gives the political break down of the General Councils in all French departments. From this analysis may be drawn the following observations in relation to the possible convening of a nation wide assembly of General Councilors.

Apart from Paris and suburbs, the Communists, in spite of their numerical strength, would have influence only in Nord, Seine-et-Oise, Gard, Bouches-du Rhône, Haute-Vienne, Lot-et-Garonne, Somme, Var, Corrèze, and Allier.

The bulwarks of Socialist influence in the General Councils would be confined to Allier, Bouches-du-Rhône, Haute-Garonne, Nord, Pas-de-Calais, Puy-de-Dôme, Pyrénées-Orientales, Saône-et-Loire, Seine, Var, and Haute-Vienne.

Radical-Socialists would dominate most Councils. Their influence would be limited only in those regions where the right-wing, or a combination of the right and the center, is preponderant, namely, Ardèche, Aveyron, Doubs, Eure, Ille-et-Vilaine, Loire, Loire-Inférieure, Lozère, Maine-et-Loir, Mayenne, Meurthe-

8. Le Temps, 16 October 1937, p. 3.

et-Moselle, Morbihan, Moselle, Orne, Basses-Pyrénées, Seine-Inférieure, Vendée, and Vosges.

If it is assumed that, according to the Treveneuc law, each General Council is to appoint two delegates to the new plenary assembly, it is possible to forecast the political structure of this body. The left-wing parties would have an absolute majority in 42 departments, the center in 3, and the right in 11; in the 34 remaining departments, it may be guessed that one delegate would come from the left (ordinarily a Radical Socialist) and the other from the center or the right.

France having 90 departments, the number of delegates would be 180; roughly speaking, the left would have 120 seats, with more than one-half Radical-Socialists; the center and the right would receive approximately 30 places each. Apart from Bouches-du-Rhône (Marseille), Nord (Lille), Seine (Paris and suburbs) and Seine-et-Oise, the Communists would probably have no delegates; their representation would certainly not exceed 4 or 5 members. In view of the Communist influence in 1937 (14 per cent of all votes), it may be wondered whether the French Communist Party would accept this position. As far as the number of representatives in the assembly is concerned, the Socialists would be even more drastically affected, although they would not be so hard hit proportionally.

V. THE GENERAL COUNCILS SINCE JUNE 1940

One of the first moves of the Vichy regime was to postpone indefinitely all meetings of the General Councils; this was the purpose of the 12 October 1940 law, M. Marcel B. Peyrouton being then Minister of Interior. They were not abolished but simply suspended and henceforth deprived of any activity; their former duties were taken over by the Prefect. The Minister of Interior appointed, however, an "administrative committee" of seven to nine members to assist the Prefect in each Department. Three members of this new committee had to be former General Councilors with technical abilities. These "administrative committees" were allowed no more than an advisory capacity in financial, fiscal and budgetary matters. Any kind of political activity was, of course, strictly forbidden.

As mentioned above, the Councils were not abolished. But former General Councilors, now inactive, could be dismissed by governmental decrees. The 16 November 1940 law provided for the dismissal of all Councilors who took part in "anti-national," i. e. "anti-Vichy," activities; the 3 October 1940 law had already dismissed the Jewish Councilors; a new law of 8 November 1941 also provided for the dismissal of former Freemasons.

By the end of March 1942, Pierre Laval returned to power; he had never favored the former measures which had abolished the so-called "local liberties" and hoped to regain the support of local assemblies; these assemblies, if docile enough, could become a marvelous tool in the hands of a shrewd and strong gov-

This resulted in the law of 7 August 1942, published on 27 August, which created the so-called "Departmental Councils." According to this law, new Councils were to be appointed by the Minister of Interior, alias Pierre Laval, and therefore not elected. They would include former General Councilors, Municipal Councilors and other agents newly appointed by Vichy. Like the old General Councils the newly appointed Departmental bodies must abstain from any political activity; their meetings are not open to the public; their programs and agendas must be submitted to and approved by the Prefect, i.e. by the Government.

The process of appointing these new Departmental Councils has been a slow one. It is not known whether all of them have been appointed; in view of the military progress of the Allied armies, membership in these Councils will be considered a more and more perilous honor. According to a British source about one half of the membership of the new departmental bodies was selected from among former General Councilors in at least two cases (Pas-de-Calais and Somme); the newly reappointed Councilors belonged to political parties extending from the conservatives to the Socialists. Whether the reappointed Councilors have been willing to serve under the new law is also unknown.

VI. OBJECTIONS TO UTILIZATION OF THE TREVENEUC LAW

As mentioned in the introduction, the eventual implementation of the Treveneuc law has been stressed mainly by General Giraud, both in the 1 April memorandum and the 27 April letter to General de Gaulle. It is no secret that this proposal was a counter move to check the possible activities of the so-called underground resistance committees which have been organized in France around the Fighting French and General de Gaulle. Assuming that these resistance committees should claim to represent true France and to organize a de facto government, the Treveneuc law would entrust the General Councils with a legal weapon to oppose their move. In his 17 May letter to General de Gaulle, General Giraud stressed once more his opinion. He said:[9]

> As soon as the Executive Committee (now the National Committee for Liberation) begins its functions, it should solemnly make known to the French people that it will hand over its powers to the provisional government which, as soon as the country has been liberated, will be constituted in France according to the Law of 15 February 1872.

The first statement of the French Committee of National Liberation, however, is silent on the Treveneuc law. Exercising French sovereignty on all territories placed beyond the enemies' power ". . . the committee will turn over its power to the temporary government which will be constituted in conformity with the laws of the Third Republic as soon as the liberation of the metropolitan territory permits it, and at the latest, at the total liberation of France."[10]

9. New York Times, 24 May 1943.
10. Ibid., 4 June 1943.

In fact, as Drew Middleton pointed out in the New York Times:[11]

> Some followers of General de Gaulle have already said that the Treveneuc law which calls for an election of a National Assembly from the Conseils Généraux and the fixing of a date for the election of a new Chamber of Deputies does not suit modern conditions. . . . They suggest instead that the law be changed so that various organizations that have resisted the Germans, most of whom are de Gaullist, may share in the election of the National Assembly. The result would probably be the election of an assembly more favorable to General de Gaulle than one elected under the original Treveneuc law. . . .
>
> De Gaulle has already voiced his dissatisfaction with the Treveneuc law's application through political henchmen. His idea is that the men who will form the General Councils and elect the provisional government are out of touch with the Franch which has grown up since the Armistice. Whether or not this idea is sound, it is far different from the machinery approved by the Committee of Liberation.

An underground paper, Résistance , on 17 July 1943 also voiced opposition to the proposal of utilizing the Treveneuc law:

> We do not agree with that solution. . . . The Treveneuc law was originally drafted to fit the case when the Parliament would be unable to meet. If the former deputies and senators are able to convene again, the Treveneuc Assembly of General Councilors would no longer have any legal basis. . . . The new republican legality will only result from new free elections. Before these elections take place, France will be ruled by a provisional government headed by a leader whose moral authority is beyond any discussion, that is to say, by de Gaulle.

It must also be realized that a definite project calling exclusively for the progressive utilization of former general councilors at the time of the liberation of France could provoke the Germans to arrest general councilors and deport them to Germany before the arrival of the Allied armies. Any stress put on

11. New York Times, 12 June 1943.

their future importance and duties which would make the General Councils a key part of French political and administrative reorganization might expose them to German anger and retaliation, or to political scorched earth policy.

Furthermore, the Treveneuc delegates, if ever assembled, would be mainly rural appointees with moderate and somewhat liberal leanings; urban dwellers and laborers would have seemingly little to say in the plenary assembly. It might be argued that the political or social structure of those delegates would be of little importance, since their assembly would be purely provisional and would disappear as soon as the final legislative bodies will have been selected, but this is only partly true. These delegates would have to frame new rules for the choice of the new legislative bodies, and they obviously would enjoy a highly strategic political position. Their general attitude would thus have a far-reaching influence on French destiny. It may be guessed that they would favor some kind of return to the old political game of the Third Republic, that they would oppose too absolute a personal power, that they would fight against political unrest which might originate in urban areas.

It is doubtful whether their views would be accepted by the resistance committees, the importance of which has been sometimes minimized. Whether the heavily populated urban centers of France, which have suffered infinitely more than the farmers since June 1940, will agree to disappear even momentarily from the French political scene; whether this rural assembly, mainly

composed of wealthy countrymen, will be sufficiently responsive to the necessities of the economic world order and will not advocate a general policy of protection and French autarkhy are aspects of the matter which could make a full utilization of the Treveneuc law a serious mistake for the France of tomorrow.

Departments	Left Wing					Center				Right Wing				Total
	Communists	Unified Socialists	Ind. Socialists	Radical Socialists	Total	Christian	Ind. Radicals	Rep. of Left	Ind. Rep.	Total	Rep. Federation	Conservatives	Misc.	Total	
Ain	1	1	3	18	23	-	5	5	-	10	3	-	-	3	36
Aisne	1	8	-	16	25	-	2	6	-	8	3	-	-	3	37
Allier	3	13	6	7	29	1	-	-	-	1	-	-	-	-	30
Basses Alpes	-	10	2	5	17	-	1	9	-	10	1	-	2	3	30
Hautes Alpes	-	2	5	6	13	1	1	7	-	9	-	-	2	2	24
Alpes-Maritimes	-	1	1	2	4	1	2	13	-	23	4	-	-	4	31
Ardèche	-	3	-	9	12	1	2	1	-	4	15	-	-	15	31
Ardennes	1	4	1	10	16	-	6	7	-	13	3	-	-	3	32
Ariège	-	5	3	9	17	-	-	2	-	2	1	-	-	1	20
Aube	2	2	8	4	16	-	-	6	-	6	3	-	1	4	26
Aude	-	6	-	26	32	-	-	-	-	-	-	-	-	-	32
Aveyron	1	-	2	3	6	-	5	6	-	11	13	13	13	26	43
Bouches-du-Rhône	4	15	2	5	26	-	4	-	-	4	4	-	1	5	35
Calvados	-	1	-	1	2	1	3	13	3	25	11	-	-	11	38
Cantal	-	1	-	10	11	-	1	3	3	7	5	-	-	5	23
Charente	1	-	3	10	14	-	6	6	-	12	4	-	-	4	30
Charente-Inférieure	-	3	3	28	34	-	3	3	-	6	-	-	-	-	40
Cher	2	4	2	12	20	-	-	4	3	7	1	1	1	3	30
Correze	3	6	3	14	26	-	1	-	2	3	-	-	-	-	29
Corse	-	2	3	20	25	-	11	25	1	37	1	-	1	2	64
Côte-d'Or	-	1	9	16	26	-	-	7	1	8	3	-	1	4	38
Cotes-du-Nord	-	-	1	25	26	1	8	6	-	15	6	2	-	8	49
Creuse	-	5	2	15	22	-	2	2	-	4	-	-	-	-	26
Dordogne	1	2	3	37	43	-	3	-	-	3	1	-	-	1	47
Doules	1	1	-	2	4	-	4	4	-	8	5	-	10	15	27
Droure	-	5	1	20	26	-	-	2	-	2	1	-	2	3	31
Eure	-	-	3	8	11	-	5	1	-	6	13	1	1	20	37
Eure et Loir	-	-	2	11	13	-	6	1	-	7	3	1	-	4	24
Finistere	1	5	2	12	20	4	3	3	-	10	9	-	5	14	44

RESTRICTED

Departments	Left Wing					Center					Right Wing			Total
	Communists	Unified Socialists	Ind. Socialists	Radical Socialists	Total	Christian	Ind. Radicals	Rep. of Left	Ind. Rep.	Total	Rep. Federation	Conservatives	Misc.	Total
Gard	5	9	3	17	34	1	-	-	-	1	-	-	5	5	40
Haute-Garonne	-	14	-	19	33	-	2	2	-	4	2	-	-	2	39
Gers	-	5	-	25	30	-	2	-	1	3	-	-	-	-	33
Gironde	-	8	4	11	23	-	4	18	1	23	4	-	1	5	51
Hérault	-	8	9	16	33	-	1	-	-	1	2	-	1	3	37
Ille-et-Vilaine	-	1	-	6	7	1	4	11	2	18	12	5	3	20	45
Indre	-	4	3	12	19	-	-	2	1	3	1	-	-	1	23
Indre-et-Loire	-	5	-	12	17	-	5	-	-	5	2	-	1	3	25
Isère	-	7	2	26	35	3	2	1	3	9	-	-	1	1	45
Jura	-	3	-	12	15	-	4	4	-	8	9	-	-	9	12
Landes	-	2	-	13	15	-	8	3	2	13	-	-	-	-	28
Loir-et-Cher	-	2	2	10	14	-	3	5	-	8	2	-	-	2	24
Loire	-	3	1	10	14	-	2	2	-	4	11	-	4	15	33
Haute-Loire	-	3	-	5	8	-	-	7	2	9	3	-	9	12	29
Loire-Inférieure	-	5	-	3	8	-	2	4	-	6	13	19	-	32	46
Loiret	1	-	-	18	19	-	1	1	3	5	7	-	-	7	31
Lot	-	2	1	19	22	-	3	5	-	8	-	-	-	-	30
Lot-et-Garonne	4	1	1	14	20	-	5	10	-	15	-	-	1	1	36
Lozère	-	1	-	6	7	-	1	2	-	3	13	-	2	15	25
Maine-et-Loir	-	-	-	4	4	-	1	8	2	11	9	8	2	19	34
Manche	-	1	-	2	3	-	3	22	-	25	19	1	-	20	48
Marne	1	5	-	19	25	-	5	2	-	7	1	-	-	1	33
Haute-Marne	-	-	-	14	14	-	3	2	-	5	6	-	3	9	28
Mayenne	-	-	-	2	2	-	2	7	-	9	14	1	1	16	27
Meurthe-Moselle	-	1	-	2	3	2	6	5	-	13	12	-	1	13	29

RESTRICTED

Departments	Left Wing					Center			Right Wing					Total
	Communists	Unified Socialists	Ind. Socialists	Radical Socialists	Total	Christian	Ind. Radicals	Rep. of Left	Ind. Rep.	Total	Rep. Federation	Conservatives	Misc.	Total	
Meuse	-	1	-	1	2	-	2	20	-	22	5	-	-	5	29
Morbihan	-	2	-	12	14	4	1	6	2	13	8	3	-	11	38
Moselle	1	1	1	-	3	-	-	-	1	1	22	-	10	32	36
Nievre	-	6	2	4	12	-	2	4	1	7	7	-	-	7	26
Nord	11	27	-	2	40	-	11	7	1	19	7	2	1	10	69
Oise	-	4	2	14	20	-	1	3	7	11	5	-	-	5	36
Orne	-	-	-	1	1	1	13	4	-	18	11	7	-	18	37
Pas de Calais	1	11	-	9	21	-	3	18	1	22	3	-	-	3	46
Puy de Dome	-	11	7	27	45	-	2	3	-	5	4	-	-	4	54
Basses Pyrenees	-	-	-	9	9	1	8	14	-	23	12	-	-	12	44
Hautes Pyrenees	-	-	-	13	13	-	4	3	2	9	5	-	-	5	27
Pyrenees-Orientales	-	10	1	4	15	-	2	-	-	2	1	-	-	1	18
Bas-Rhin	2	3	-	-	5	8	-	4	2	14	2	-	-	2	36*
Haut-Rhin	-	2	-	1	3	1	-	-	4	5	-	-	1	1	26*
Rhone	2	4	-	9	15	1	3	5	1	10	9	-	1	10	35
Haute Saone	-	1	1	11	13	-	5	1	1	7	8	-	-	8	28
Saone et Loire	-	16	-	22	38	-	4	4	1	9	5	1	-	6	53
Sarthe	-	-	2	16	18	2	3	2	6	7	7	1	-	8	33
Savoie	-	3	1	19	23	-	1	1	1	2	4	-	-	4	29
Haute-Savoie	-	-	-	14	14	1	3	2	4	10	5	-	-	5	29
Seine	43	12	12	6	73	4	7	29	44	22	-	1	23	23	140
Seine Inferioure	2	-	2	16	20	-	-	9	4	13	21	1	-	22	55
Seine et Marne	2	3	-	9	14	1	3	6	-	10	5	-	-	5	29

* Including other nuances centered around autonomist tendencies.

RESTRICTED

Departments	Left Wing					Center				Right Wing				Total
	Communists	Unified Socialists	Ind. Socialists	Radical Socialists	Total	Christian	Ind. Radicals	Rep. of Left	Ind. Rep.	Total	Rep. Federation	Conservatives	Misc.	Total	
Seine-et-Oise	9	-	1	7	17	1	6	9	-	16	5	1	3	9	42
Deux Sèvres	-	-	-	15	15	-	2	-	1	3	2	3	8	13	31
Somme	3	2	3	14	22	6	11	-	2	19	1	-	-	1	42
Tarn	-	2	4	22	28	2	2	-	-	4	4	-	-	4	36
Tarn-et-Garonne	-	-	-	11	11	-	7	3	-	10	3	1	-	4	25
Territoire de Belfort	-	1	-	4	5	-	-	-	-	-	3	-	-	3	18
Var	3	11	13	2	29	-	-	-	-	-	1	-	-	1	30
Vaucluse	1	7	1	11	20	-	-	-	-	-	-	2	-	2	22
Vendee	-	1	-	3	4	2	2	3	4	11	5	10	-	15	30
Vienne	-	4	-	9	13	-	4	10	-	14	4	1	-	5	32
Haute-Vienne	4	15	4	3	26	-	3	1	-	4	-	-	-	-	30
Vosges	-	2	-	7	9	-	4	6	-	10	11	-	-	11	30
Yonne	-	2	2	13	17	-	9	11	-	20	-	-	-	-	37
TOTAL	117	360	155	998	1630	45	276	469	82	872	477	86	86	649	3103

RESTRICTED